

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor Application of:
Penelope N. Markham et al.

Serial No.: 09/816,761

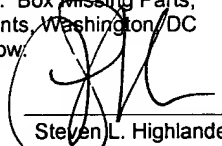
Filed: March 23, 2001

For: BACTERICIDAL ANTIMICROBIAL
METHODS AND COMPOSITIONS FOR
USE IN TREATING GRAM POSITIVE
INFECTIONS

Group Art Unit: 1645

Examiner: Unknown

Atty. Dkt. No.: IFLX:003US/SLH

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date below.	
November 30, 2001	
Date	
	Steven L. Highlander

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION FILED UNDER 37 C.F.R. 1.53(b)**

BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application Under 37 C.F.R. § 1.53(b), dated June 7, 2001, there are enclosed herewith:

- (a) Declaration executed on behalf of Penelope N. Markham, Debbie C. Mulhearn, Ekaterina A. Klyachko, Alexander A. Neyfakh, David Crich, Mohamed-Rami Jaber and Michael E. Johnson;
- (b) A Power of Attorney on behalf of INFLUX, INC.;

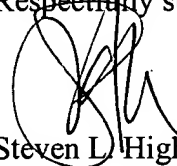
- (c) Our check in the amount of \$1854.00 to cover the basic filing fee (\$370.00 - utility small entity); surcharge for late filing (\$65.00); additional claims fee (\$699.00); four month extension of time fee (\$720.00); and
- (d) A copy of Notice to File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. 1.53(b)-Filing Date Granted.
- (f) A Request for Extension of Time of four months to and including December 7, 2001. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

An Assignment to Influx, Inc. and a check for \$40.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/10102532./SLH.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: November 30, 2001



N Sector #44

FULBRIGHT & JAWORSKI L.L.P.

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STEVEN L. HIGHLANDER
PARTNER

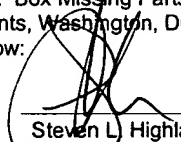
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November 30, 2001

FILE: IFLX:003US

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
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November 30, 2001	
Date	Steven L. Highlander

BOX MISSING PARTS

Commissioner for Patents

Washington, DC 20231

RE: *U.S. Patent Application No. 09/816,761 entitled "BACTERICIDAL ANTIMICROBIAL METHODS AND COMPOSITIONS FOR USE IN TREATING GRAM POSITIVE INFECTIONS" - Penelope N. Markham et al.*

Sir:

Please find enclosed:

- (1) A Response to Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b) mailed June 7, 2001;
- (2) Declaration of Penelope N. Markham, Debbie C. Mulhearn, Ekaterina A. Klyachko, Alexander A. Neyfakh, David Crich, Mohamed-Rami Jaber and Michael E. Johnson;
- (3) Power of Attorney;
- (4) Request for Extension of Time;
- (5) Copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b)-Filing Date Granted;
- (6) Check in the amount of \$1854.00; and

Commissioner for Patents

November 30, 2001

Page 2

- (7) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/10102532/SLH.

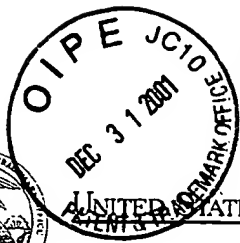
Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642

SLH/mar

Encl: as noted



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/816,761	03/23/2001	Penelope N. Markham	IFLX:003US

CONFIRMATION NO. 4790

FORMALITIES LETTER



OC000000006156367

Steven L. Highlander
Fulbright & Jaworski L.L.P.
Suite 2400
600 Congress Ave.
Austin, TX 78701

Date Mailed: 06/07/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1382.
 - \$1062 for 59 total claims over 20.
 - \$320 for 4 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2222.

00 00 00 00
370.00
165.00
531.00
168.00

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

01/03/2002 BNGUYEN1 00000074 09816761

01 FC:201
02 FC:205
03 FC:203
04 FC:202

